

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES,

Plaintiff(s),

ORDER
05-CR-494 (JS)(WDW)

-against-

CHARLES DOHERTY,

Defendant(s).

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WALL, Magistrate Judge:

Before the court is an application by movant Metal Lathers Local 46 Pension Fund, which seeks restitution in this matter, for the court to So Order subpoenas on three non-parties. The subpoenas seek payroll tax returns filed by United States Rebar, Inc., the defendant's company. DE[38]. Also before the court is a letter from defense counsel, arguing that "victims are precluded from obtaining discovery directly from defendants to support restitution claims¹," and asking for an opportunity to respond to the motion on March 16 or 17. DE[37]. In order to move the time sensitive issue of restitution along, I have signed the subpoenas and changed the date of production from 3/13/09 to 3/20/09 so that the movant can serve them on the non-parties as expeditiously as possible. Copies of the subpoenas are attached to this order and the originals will be picked up by the movant. The documents will be produced not to the movant, but to the court, and the court will not release the documents to the movant until after the defendant has had a chance to file opposition and the court has considered it. Such opposition, if any, must be filed and served no later than 3/16/09. A reply, if any, must be filed and served by the movant no later than 3/19/09.

Also before the court, on referral from Judge Seybert, is the movant's motion to intervene

¹The court notes that the subpoenas do not seek documents directly from the defendant.

and to have access to sealed documents. DE[12]. The aspect of the motion that seeks access to unsealed documents is moot, the docket having earlier been unsealed by order of Judge Seybert. DE[15]. It is unclear whether it is necessary for the movant to intervene in order to proceed with the restitution motion, but the court will grant that aspect of it in the event that it is necessary.

Dated: Central Islip, New York
March 13, 2009

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge